

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C) .No. 7137 of 2015 (N)

PETITIONER(S) :

ASSAINAR T.P.,
S/O. MOIDEEN,
THARAMMEL PUTHEN PEEDIYEKKAL HOUSE,
RANDATHANI P.O., TIRUR,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.PRASAD.

RESPONDENT(S) :

1. THE AUTHORIZED OFFICER,
GENERAL MANAGE3R IN CHARGE,
KOTTAKKAL CO-OPERATIVE BANK LIMITED, NO.1378,
KOTTAPADI, KOTTAKKAL,
MALAPPURAM DISTRICT - 676 503.
2. THE JOINT REEGISTRAR,
CO-OPERATIVE SOCIETY (GENERAL) ,
DOWN HILL,
MALAPPURAM - 676 012.

BY ADV.SRI.DEVAPRASANTH P.J.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1- TRUE COPY OF THE C.M.P. NO.98/13 OF THE CHIEF JUDICIAL
MAGISTRATE COURT, MANJERI.

EXT. P2- TRUE COPY OF THE JUDGMENT IN WP(C) 6478/2013 DATED
22/03/2013.

EXT. P3- TRUE COPY OF THE ORDER NO.C.R.B.548/14 LI-DIS DATED
28/01/2015 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.7137 of 2015

.....
Dated this the 6th day of March, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same. When the bank initiated steps for recovery under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, the petitioner approached this Court through W.P.(C).No.6478 of 2013, which was disposed by Ext.P2 judgment whereby the petitioner was given instalment facility to repay the amount due to the respondent bank. In the present writ petition, the petitioner seeks substantially the same relief as sought for in the earlier writ petition which was disposed by Ext.P2 judgment. It is not in dispute that the petitioner did not comply with the directions in Ext.P2 judgment. Under the said circumstances, I am of the view that the present writ petition, which seeks substantially the same relief as sought for in the earlier writ petition filed by the petitioner, cannot be maintained at the instance of the petitioner. I am of the view that, the petitioner is not entitled to the discretionary relief of this Court in these proceedings under Article 226 of the Constitution of India.

2. Resultantly, this writ petition fails and is accordingly dismissed as not maintainable.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

